

~~EXCLUDED FROM OFFICIAL USE~~

WHEREAS the interests of national security require that all persons privileged to be employed in the departments and agencies of the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons privileged to be employed or seeking the privilege of employment in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employing and retaining in employment in the Federal service;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Civil Service Act of 1883 (22 Stat. 403), as amended; section 9A of the act approved August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act approved August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1), and as President of the United States, it is ordered as follows:

1. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employing or retaining in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of national security.

2. Deeming such action necessary in the best interests of national security, I hereby extend the application of the provisions of the said act of August 26, 1950, to all departments and agencies of the Government.

3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall ordinarily be determined in the first instance according to the sensitivity of the position sought to be filled, but should there develop at any stage of an investigation information indicating that the employment of any such person may tend to prejudice the interests of national security, there shall be conducted with respect to such person a full field investigation, or such less investigation sufficient to enable the head of the department or agency concerned to determine whether retention is consistent with the interests of national security.

(b) The head of any department or agency may designate any position within his department or agency as a sensitive position. Positions so designated shall not be filled except by persons as to whom a pre-appointment investigation has been made: Provided, That in case of emergency a sensitive position may be filled for a limited period by a person as to whom a pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

4. The head of each department and agency shall review and adjudicate, or cause to be reviewed and adjudicated, all cases of civilian officers and employees who have been the subject of a full field investigation under Executive Order No. 9835 of March 21, 1947, as amended, but which have not been adjudicated under a security standard. Such adjudication shall be subject to such further investigation as may be appropriate.

5. Whenever there is received by any department or agency

information indicating that any officer or employee of the Government may constitute a security risk, such information shall be forwarded to the head of the employing department or agency who shall, after such investigation as may be appropriate, review and adjudicate, or cause to be reviewed and adjudicated, the case of such employee.

6. In case derogatory information concerning any officer or employee of the Government is uncovered during any investigation, the head of the department or agency concerned shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of national security.

7. Any person whose employment is suspended or terminated under the authority granted to the heads of the departments and agencies in the said act of August 26, 1950, shall not be reinstated or restored to duty in the same department or agency, and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that the reinstatement or restoration to duty, or the reemployment, is clearly consistent with the interests of national security.

8. (a) The investigations directed to be made by this order shall be designed to develop information as to whether the employment by the Federal Government of the person being investigated is clearly consistent with the interests of national security.

(b) Depending on the nature of the employment, information regarding an applicant or employee which may be pertinent to a finding that his employment is clearly consistent with the interests of national security shall include but is not limited to the following:

- (1) Activities or associations which tend to show that the individual is not reliable or trustworthy, including deliberate misrepresentations, falsifications or omissions of material facts.

- (2) Criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, sexual perversion, or financial irresponsibility.
- (3) Information which establishes a reason to believe that the individual may be subjected to influence or pressure which may cause him to act contrary to the best interests of the national security.
- (4) Adjudication of insanity or treatment for serious mental or neurological disorder without evidence of cure.
- (5) Sabotage, espionage, or attempts or preparation therefore.
- (6) Treason or sedition or advocacy thereof.
- (7) Advocacy of revolution or force or violence to alter the constitutional form of Government of the United States.
- (8) Knowingly associating with spies, saboteurs, traitors, seditionists or revolutionists.
- (9) Intentional, unauthorized disclosure to any person of security information or material, or information disclosure of which is prohibited by law.
- (10) Performing, or attempting to perform his duties, or otherwise acting, so as to serve the interest of another government in preference to the interest of the United States.
- (11) Membership in, affiliation with, or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons which is totalitarian, Fascist, Communist, or subversive, or which has adopted a policy of advocating or



approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or which seeks to alter the form of government of the United States by unconstitutional means.

(c) The investigation of persons entering the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Civil Service Commission. The Commission shall furnish the full investigative report to the department or agency concerned.

(d) The investigation of persons, including consultants, entering employment other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative organization of the Civil Service Commission.

(e) Subject to law, and to interagency agreements defining investigative responsibilities, there shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating prejudice to the interests of national security, of the nature described in subsections (5) through (11) of paragraph (b) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been made by any department or agency of the government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 shall be made a part of the security-investigations index. The security-investigations index shall

contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of the person under the authority granted in the said act of August 26, 1950.

(b) All departments and agencies are directed to furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations shall remain the property of the investigative agencies but may, subject to considerations of national security, be retained by the department or agency concerned, and, subject to the same considerations, access thereto may be given to other departments and agencies.

10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

11. Hereafter the Loyalty Review Board established by Executive Order No. 9835 shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on the date of this order shall be heard to final determination in accordance with the provisions of Executive Order No. 9835, as amended. Favorable agency determinations pending before the Loyalty Review Board on the date of this order shall be processed, and, whenever the Board is not in agreement with the favorable determination of the head of the department or agency, the case shall be remanded to the department or agency for determination in

accordance with the standards and procedures established pursuant to this order. Cases pending before the regional Loyalty Boards of the Civil Service Commission on which hearings have not been initiated on the date of this order shall be referred to the department or agency concerned. Cases being heard by regional Loyalty Boards on the date of this order shall be heard to conclusion, and the conclusion of the Board shall be forwarded to the head of the department or agency concerned. If no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on the date of this order shall be completed and the reports thereon made to the appropriate department or agency.

12. Executive Order No. 9835, as amended, is hereby revoked, except that for the purposes described in paragraph 11 hereof the Loyalty Review Board shall continue to exist and function for a period of one hundred and twenty days from the date of this order.

13. The Attorney General is requested to render to the heads of Government departments and agencies such advice as may be requisite to enable such heads to establish and maintain an appropriate employee security program.

14. (a) The National Security Council, shall make a continuing study of the implementation of this order by the departments and agencies of the Government for the purpose of determining:

- (1) Deficiencies in the department and agency security programs established under this order which either are inconsistent with the interests of, or directly or indirectly weaken, the national security.



(2) Tendencies in such programs to deny to individual employees fair, impartial and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States and this order.

Information affecting any department or agency developed during the course of such continuing study shall immediately be furnished to the head of the department or agency concerned. The National Security Council shall report to the President, at least semi-annually, on the results of such continuing study, and shall recommend means to correct any such deficiencies and tendencies.

(b) All departments and agencies of the Government are directed to cooperate with the National Security Council to facilitate the accomplishment of the responsibilities assigned to it in paragraph (a), above, and are requested to furnish such personnel, and such administrative and fiscal support, as may be approved and apportioned by the Bureau of the Budget.

15. This order shall become effective thirty days after signing.